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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,619	06/26/2006	Hidekazu Suzuki	2006_1021A	9671
52349 7590 09/29/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER EUSTAQUIO, CAL J				
ART UNIT 2612		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,619

Applicant(s)

SUZUKI ET AL.

Examiner

CAL EUSTAQUIO

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) 4, 7, 8, 12, and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB008)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. **Claims 1-13** are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 112, 2nd paragraph that form the basis for the rejections under this section made in this Office action: The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).
4. **Claims 1-13** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) The term “reception command” in **claims 1-13** are used by the claims to mean “an operation command such as a power supply enabling command such as one that is used to turn on a power, that is received for example, by a DVD apparatus 11 that takes two paths of a reception from the remote controller receiving part 20 of the DVD apparatus 11”, while the accepted meaning is “a command that causes a device to receive something such as a signal.” The term is indefinite because the specification does not clearly redefine the term.

2) **Claim 1** recites the limitation "*the* remote control unit." There is insufficient antecedent basis for this limitation in the claim.

3) **Claim 1** recites "either command with *judging one* which is to serve as effective." The meaning of the term is unclear.

4) **Claims 1-2, 4 and 10** recite the term "*effective*." What constitutes the meaning of "effective" and how is this determined should be further defined.

5) **Claim 10** recites in part "... when the first reception command and the second reception command do not *coincide* with each other." Reading the specification, the Examiner is lead to believe that there is a comparing function to distinguish two distinct commands, however, the claim is written that confuses the reader to think that there is a temporal collision occurring between two competing command inputs. It is suggested that the applicant use other words to correct the perceived confusion.

6) **Claim 10** recites the limitation "*the command comparing section*." There is insufficient antecedent basis for this limitation in the claim.

5. **Claims 1 and 3** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

1) **In claim 1:** "a first reception command *which is directly received from the remote control unit*." A direct reception capability has not yet been established.

2) In claim 3: "...there is provided a connection signal detection section which detects a *connection signal*..." A connection signal generation capability has not yet been established nor how or what generates a connection signal.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(a) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. **Claims 1-3** are rejected under 35 U.S.C. § 102(a) as being unpatentable over Nagata, JP 2003/179985 A.

1) **As to claim 1**, Nagata discloses the claimed: A control signal receiving apparatus which can receive a control signal from the remote control unit which is attached to the control signal receiving apparatus via a data receiving apparatus which is connected (FIG. 4, cable 8), to the control signal receiving apparatus (FIG. 4), which receives a first reception command which is directly received from the remote control unit ([0023], light sensing portion 11 and remote control transmitter 2) and a second reception command which is received via the data receiving apparatus ([0023], light sensing portion 3), as its inputs and outputs selectively either command with judging one ([0023], a microcomputer 9) which is to serve as effective.

2) **As to claim 2**, Nagata discloses the claimed: A control signal receiving apparatus as defined in **claim 1**, wherein, the command judging section ([0023], a microcomputer 9) makes the second reception command which is received by the apparatus later effective ([0010, receiving set side remote control signal becomes dominance automatically) when the first

reception command and the second reception command are received by the apparatus temporary close to each other ([0023, switching circuit 13, chooses one side as an output, signal detector circuit 15).

3) **As to claim 3**, Nagata discloses the claimed: A control signal receiving apparatus as defined in **claim 2** wherein, there is provided a connection signal detection section which detects a connection signal ([0023], control signal detector circuit 15) which indicates that the transmission of the control signal between the data receiving apparatus and the control signal receiving apparatus is possible ([0023, detects whether the remote control signal 10 is inputted), and the command judging section makes the second reception command which is inputted to the command judging section pass through as it is with ignoring the first reception command which is inputted to the command judging section, when it receives the connection signal which is outputted from the connection signal detection section ([0023, switching circuit 13, chooses one side as an output).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. **Claims 4** is rejected under 35 U.S.C. 103 (a) as being obvious over Nagata, JP 2003/179985 A in view of Ishiguro, U.S. 4,751,581.

As to claim 4, Nagata discloses the claimed: A control signal receiving apparatus as defined in **claim 3**, *except* the claimed: wherein, the command judging section cancels the ignoring of the first reception command to make the first reception command effective, when no second reception command is inputted even after a predetermined time has passed after the first reception command was ignored.

Nagata teaches that the command judging section (Nagata, 0023, microcomputer 9) detects whether the remote control signal 10 is inputted, and switching circuit 13 chooses one of the inputs 10 and 12 as an output for command execution, but not the cancels feature as claimed.

In the same art of communication: Ishiguro, FIG. 3 and col 6, lines 45-65, teaches a control system having a plurality of control command sources in which a microprocessor determines if an input signal is received at input interface 16. If no inputs are detected at input interface 16, the microprocessor, upon detecting that a signal is received at input interface 15, the microprocessor transmits the received command to an output terminal. In view of the teachings of Nagata and Ishiguro, one of ordinary skill in the art at the time of the claimed invention would

have found it obvious to include into a control signal receiving system the capability of a receiving a signal in two inputs, with one input being the priority input, and if the priority input does not have a signal, the receiving system defaults to a secondary input signal. As described in Ishiguro, control signal receiving input systems that assign priorities to a plurality of inputs is not new in the art and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. **Claims 5, 6, 9, and 11** are rejected under 35 U.S.C. 103 (a) as being obvious over Nagata, JP 2003/179985 A.

1) **As to claim 5**, Nagata disclosed the claimed: A control signal receiving apparatus as defined in **claim 2, plus the consideration of claim 3, except:** the claimed wherein, there is provided a delaying section which delays the first reception command so that the second reception command and the first reception command are inputted to the command judging section in this order, and the command judging section makes the second reception command which is inputted to the command judging section prior to the first reception command pass through as it is, and ignores the first reception command which is inputted to the command judging section later than the second reception command with being delayed by the delaying section.

As established in the rejection of claims 2 and 3 above, Nagata teaches receiving the first reception command and the second reception command into the command judging section ([0023], a microcomputer 9) so as to make the second reception command ([0023], light sensing portion 3) pass through as it is, and ignores the first reception command. Although Nagata does not teach a delaying section used on the first reception command for this operation, the command

judging section's judging in Nagata is biased towards favoring the second reception command as the dominant command regardless of whether the first reception command is delayed by a delaying section for input to the command judging section or not. This is tantamount to a 'Hobson's choice' in that ensuring Nagata's system, without or without the delay section, will default to the second reception command as being selected. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the claimed invention that one way to specifically implement the function in Nagata to default to the second command when both first and second commands are present would be to delay the first command and apply a first-input-selected criteria on both inputted commands so that the second command would be selected due to the delay on the first command.

2) **As to claim 6**, Nagata teaches the claimed: A control signal receiving apparatus as defined in **claim 5**, wherein, the command judging section makes the first reception command which is inputted via the delaying section pass through as it is, when the second reception command is not inputted (Nagata, [0023], teaches remote control signal detector circuit 15 detecting control signal 10 coming in through receiver equipment 1. However, if no signal is received from receiver equipment 1, the remote control signal received at transmission system 6 is defaults to being the chosen input signal.)

3) **As to claim 9**, Nagata teaches the claimed: A control signal receiving apparatus as defined in **claim 5**, *except* the claimed wherein, the delay amount of the first reception command which is delayed by the delaying section is larger than the time difference between the time when the first reception command is inputted to the command judging section without passing through the delaying section and the time when the second reception command is inputted to the

command judging section, and is smaller than the shortest time from the time when the first reception command is inputted thereto up to the time when the next command is inputted thereto.

Nagata, teaches in [0010], a receiving set side remote control signal becomes dominance automatically in which remote control signal is received, as shown in [0023] at both a transmitter system 6 input and a receiver equipment 1.

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that in order for the second reception command in Nagata, such as the signal received at receiver equipment 1, to be perceived as the controlling signal over the first reception command, the delay for the first reception command has to be larger than the time difference between the time when the first reception command is inputted to the command judging section without passing through the delaying section and the time when the second reception command is inputted to the command judging section, so that the first-input-selected criteria chooses the second reception command as intended.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that in order for the second reception command in Nagata, such as the signal received at receiver equipment 1, to be perceived as the controlling signal over the first reception command, the delay for the first reception command has to be smaller than the shortest time from the time when the first reception command is inputted thereto up to the time when the next command is inputted thereto. This condition has to occur otherwise consideration of any subsequent, different reception command signal would never be realized because the system will be engaged in an unending/infinite loop on the initial first reception command to compare against the initial second reception command. Such a finding that one of ordinary skill in the art

would have recognized that applying the known technique would have yielded predictable results and resulted in the obvious condition described above.

4) As to **claim 11**, Nagata renders obvious the apparatus as defined in **claim 6**, plus the consideration of claim 9 above.

11. **Claim 10** is rejected under 35 U.S.C. 103 (a) as being obvious over Nagata, JP 2003/179985 A1 in view of Satoh, U.S. 6,569,138.

As to **claim 10**, Nagata teaches the claimed: A control signal receiving apparatus as defined in **claim 1**, wherein, there is provided a command comparing section (Nagata, which receives the first reception command and the second reception command which are received temporary close to each other as its inputs (Nagata, [0023], light sensing portion 11 and remote control transmitter 2, light sensing portion 3), and compares whether the first reception command and the second reception command coincide with each other (Nagata, teaches a microcomputer 4 comparing if a first and second remote control signal enters into the system) and the command judging section makes the second reception command as effective and ignores the first reception command ([0023], switching circuit 13, chooses one side as an output, signal detector circuit 15), when the first reception command and the second reception command are judged as coinciding with each other by the command comparing section, and the command judging section makes the both reception commands as effective and first outputs the first reception command and subsequently outputs the second reception command, when the first reception command and the second reception command do not coincide with each other (Nagata, FIG. 4, and [0023], remote control signal 10 is inputted, the operation chooses automatically as the remote control signal 10);

Except the claimed:

“and the command judging section makes the both reception commands as effective and first outputs the first reception command and subsequently outputs the second reception command, when the first reception command and the second reception command do not coincide with each other (Examiner’s note: “coinciding” means the commands matching each other in command content. “Coinciding” is interpreted to be a content-matching and not a temporal description).

In the same art of communication:

Satoh, FIG. 4, col 4 lines 47-67 and col 5, lines 1-11, teach a remote signal receiving device in which two valid commands are inputted to the device at light receiving parts 1 and 2, of FIG. 2. If the two commands that are inputted are different from each other, the device considers each input and subsequently executes the respective commands. One of ordinary skill in the art at the time of the claimed invention would have found it obvious to include a command input checking and execution scheme found in Satoh and apply this feature to the input signal comparison and execution device taught by Nagata. One of ordinary skill in the art would have found that a command input checking and execution scheme is known in the art, as taught in Satoh, and to incorporate this into the proposed combination of Nagata and Satoh would have yielded a finding that the result of the combination was predictable.

Allowable Subject Matter

12. **Claims 4, 7-8 and 12-13** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are as follows:

U.S. Patent to Van Steenbrugge, U.S. 5,579,469, entitled "Method and Apparatus for Processing Control Instructions Received From Multiple Sources Connected To A Communications Buss" which discloses a communication system comprising different apparatuses which are coupled together by a bus, a control instruction, for example, a remote control command may be passed on by a plurality of apparatuses to the apparatus performing the instruction.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAL EUSTAQUIO whose telephone number is (571)270-7229. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee, can be reached at (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E./

Examiner, Art Unit 2612

/BENJAMIN C. LEE/

Supervisory Patent Examiner, Art Unit 2612